

REMARKS

Applicant has carefully reviewed the Office Action dated July 24, 2003. Applicant respectfully traverses all objections, rejections, and assertions made by the Examiner. With this amendment, claims 6, 13, 18-21 and 24-26 have been amended. Please cancel claim 12 without prejudice. Claim 13 has been amended to correct its dependency, given the cancellation of claim 12. Claims 27-42 were previously withdrawn. Claims 6-9, 13-21 and 24-26 remain pending.

Claims 6, 18 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Ishida et al. in U.S. Patent No. 5,002,556. Claim 27 was previously withdrawn. Applicants respond to this rejection by amending claims 6 and 18. Claim 6 now includes the limitations previously recited in claim 12. More particularly, claim 6 now requires that the opaque markers are arranged in a pattern on the balloon. This differs from the teachings of Ishida et al., which merely state that the material of the balloon may be mixed with an X-ray opaque substance or that a belt-type marker may be attached to the balloon. Ishida et al. are silent as to the inclusion of more than one belt-type marker and, clearly, a single belt-type marker cannot constitute a pattern. Thus, Applicant respectfully submits that this amendment renders claim 6 patentable over Ishida et al. In addition, it is believed that this amendment also distinguishes claim 6 from Becker (and the combination of Becker and Ishida et al.), because Becker only discloses markers attached to the outer wall of the catheter shaft and does not appear to disclose anything about markers attached to the balloon. Becker at column 6, lines 44-47. Thus, Ishida et al, Becker, and the combination of Ishida et al. and Becker all fail to disclose or teach a limitation required by amended claim 6. Accordingly, Applicant respectfully submits that this amendment overcomes this rejection of claim 6.

Claim 18 has been amended to change “means for marking” to “means for measuring”. Claims 19-21 and 24-26 have also been amended to reflect this change. Ishida et al. do not appear to teach or disclose any means for measuring positioned on the balloon or anywhere else. Accordingly, Applicant respectfully submits that this amendment distinguishes claim 18 from Ishida et al.

Claims 7-9, 12-17, 19-21, 24-26 and 28-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ishida et al. in view of Becker in U.S. Patent No. 5,021,043. Claims 28-42 were previously withdrawn. As to claims 7-9 and 12-17, claim 6 has been amended as described above and is now believed to be allowable over Ishida et al. In addition, the amendment to claim

6 is also believed to be distinguishable from Becker as described above. Accordingly, claim 6 is now believed to be in condition for allowance. Because claims 7-9 and 12-17 depend from claim 6, they are allowable based on this amendment and because they add significant elements to distinguish them from the prior art.

As to claims 19-21 and 24-26, claim 18 has been amended as described above and is now believed to be allowable over Ishida et al. In addition, Becker does not appear to disclose means for measuring positioned on the balloon. Accordingly, claim 18 is now believed to be in condition for allowance. Because claims 19-21 and 24-26 depend from claim 18, they are allowable based on this amendment and because they add significant elements to distinguish them from the prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

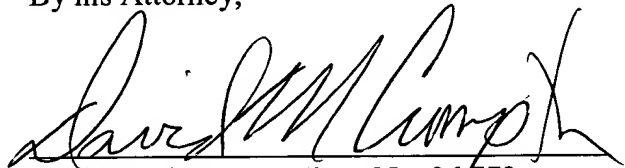
Respectfully submitted,

Stewart M. Kume

By his Attorney,

Date: _____

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